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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,506	12/14/2001	Masayuki Murakami	Q66577	3596

7590 03/20/2006

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EXAMINER

LAVIN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/014,506

Applicant(s)

MURAKAMI, MASAYUKI

Examiner

Christopher L. Lavin

Art Unit

2621

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 February 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 27 February 2006. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ They raise the issue of new matter (see NOTE below);
 - (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because: The examiner believes that there is some confusion over what exactly is being linked to what, to facilitate prosecution the examiner would like to first describe what exactly is being claimed in the 103 and then address some of the applicant's concerns.

As the examiner stated in the first office action: "The method disclosed by Takeo must have some way of identifying the image files in order to work. The information that would be required in some fashion about these images is identifying an image as high or low energy, a link between pairs (indicating that the low-energy data set belongs to the same combination as the high-energy image data set), and a link between a pair and the resultant image. These links constitute combination information." It is clear that Takeo would need some kind of links between the files for the system and method of Takeo to work. The examiner brought in Hiyama to show that medical images can have information stored with them that includes identification information and linking information. The linking information was the examination id (figure 2, item 71) and the identification information included serial number, region code, and position code (figure 2, items 72, 76, and 77) among others. The linking information provides a connection between all files with the same examination id. The examiner was in no way contending that the identification information as taught by Hiyama was combination data. Nor was the examiner claiming that the identification data was the same data Takeo would use (mainly what type of energy image was taken). Simply that identification data, providing details about an image, can be stored with a medical image file. To reiterate the examiner was only using the teaching to show the concepts of linking information and identification information.

Moving on to the applicant's arguments. The remark the examiner would like to address is on page 2, "The examiner also contends that the region code 76 and the position code 77 as disclosed by Hiyama will identify each data set as a high-energy, low-energy or subtraction." This is not correct. The examiner fully agrees that the region and position codes are related to body position of the images. Those codes were pointed to for the concept of including information about the image in the data structure associated with that image. For Takeo to work the information that would be required instead of the position and region codes would be what type of energy image the particular image was. The reference was chosen for the concept of identification information, not for the particular information identified.

The applicant's other contention seems to be that the examination id, pointed to as the linking information, does not constitute combination data because "there is no information within the current image file that would indicate that other image files even exist, let alone that they belong to the current image file". First this is not what is claimed. The examination ID would connect all of the image files with the same ID together, that is all that is required for combination information as the applicant is entitled to the broadest possible interpretation of the claim language. If the applicant wishes for combination data to be construed more narrowly then it is suggested that the applicant incorporate the above described concept into the claims. .



BRIAN WERNER
PRIMARY EXAMINER